GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services - AHDD&F Department – Allegations of possession of Disproportionate Assets to his known sources of income against Dr. N. Koteswara Rao, former Deputy Director(AH), FAC Joint Director of Animal Husbandry, Vizianagaram and now retired- Recommended for prosecution besides departmental action- Examined- Dropped Prosecution & Disciplinary proceedings - Hon'ble High Court Orders in WA No. 934/2022 to re-examine - DG, ACB again requested for sanction of prosecution - Rejected- Orders-Issued.

ANIMAL HUSBANDRY, DAIRY DEV. & FISHERIES (Dy.&Vig.) DEPARTMENT

G.O.RT.No. 313 Dated: 01-11-2024

Read the following:-

1. From the Director General, Anti-Corruption Bureau Lr. No. 65/RCA-VVZ/2011, Dt. 13.10.2015.
2. Representation of Dr. Neerasa Koteswara Rao, Deputy Director(AH), Dt. 13.11.2015.
3. G.O.Rt No. 71, AHDD&F(Dy.&Vig.(2)Department, Dt. 24.03.2016.
4. G.O.Rt No. 127, AHDD&F(Dy.&Vig.(2)Department, Dt. 24.05.2016.
5. G.O Rt No. 82, AHDD&F(Dy.&Vig.(2)Department, Dt. 27.03.2017.
6. Orders of Hon’ble High Court in WA No. 934/2024, Dt. 11.03.2024.
7. Government Memo No. 2363500/SC.F/A1/2024, GA (SC.F)Dept., Dt. 28.03.2024.
8. From the Director General, ACB, Vijayawada letter No. 65/RCA-VVZ/2011-S.12, Dt. 24.04.2024.

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ORDER:-

Whereas, in the reference 1st read above, the Director General, Anti-Corruption Bureau, in the final report stated among others that a case against Dr. N. Koteswara Rao, former Deputy Director(AH), FAC Joint Director of Animal Husbandry, Vizianagaram and now retired, was registered in Crime No. 05/RCA-ACB/VZM/2011, U/s 13(2) r/w 3(1) (e) of the Prevention of Corruption Act, 1988 of Anti-Corruption Bureau, Vizianagaram Range on 17.03.2011 for possession of assets disproportionate to his known sources of income by indulging in corrupt practices, and is in possession of assets disproportionate to his known sources of income to a tune of Rs. 15,32,102/- which is 31.09% of his total income. The abstract of disproportionate assets calculated by the Anti-Corruption authorities is as follows:-

Total income of the A.O	= Rs. 49,28,570.00
Total Expenditure of the A.O	= Rs. 30,83,426.00
Likely savings of the A.O	= Rs.18,45,144.00
Total Assets of the A.O	= Rs. 33,77,246.00
Likely Savings of the A.O	= Rs. 18,45,144.00
Disproportionate Assets of the A.O	=Rs. 15,32,102.00

2. The Director General, Anti-Corruption Bureau, has requested the Government to issue orders for sanction of prosecution under section 19(1)(b) of the Prevention of Corruption Act, 1988, besides to initiate departmental action under Rule 9(1)(2) and (7) r/w 3(1)(2) of A.P Civil Services (Conduct) Rules, 1964 against the AO, Dr. N. Koteswara Rao, Deputy Director (Animal Husbandry), Vizianagaram.

3. In the reference 2nd read above, Dr. N. Koteswara Rao, interalia, has stated that the Anti-Corruption Authorities have not taken into consideration the amounts

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given by his in-laws, through cheques which are genuine and requested that the amounts given by the means of bank cheques by his in laws may be considered as a source of his income and to drop further action against him.

4. Government have examined the matter in detail and found that in the final report of the Anti-Corruption Bureau, in assessment of income of the A.O., item Nos. 6 to 9 which are bank cheques and transactions are not considered by the Anti-Corruption Bureau authorities due to the fact that the individual has not taken prior permission from the competent authority and not submitted the Annual Property Returns and also the A.O., failed to submit form-I to VI which were served on him through the Joint Director, Animal Husbandry Department, Vizianagaram District. The Anti-corruption Bureau authorities have categorically stated that evidently there is no dispute regarding the amounts being given to the A.O and his wife by the A.Os in laws. Therefore, it is liable to initiate the departmental action against the A.O., for violation of Conduct Rules. The amounts on the said item Nos 6 to 9 i.e., are as detailed below:

Item No.	**Cheque No. & Date**	**Amount (in Rs.)**
6	230412,20.12.2008	Rs. 1,80,000/-
7	230415, 18.03.2009	Rs.1,07,000/-
8	335237, 04.03.2010	Rs. 2,50,000/-
9	686645,08.03.2010	Rs.3,00,000/-
	Total	**Rs.8,37,000/-**

5. The amount of Rs. 8,37,000/- was considered as source of income of the A.O., since the Anti-corruption Bureau authorities have not disputed regarding the amounts given to the A.O and his wife by the A.O's in laws, the abstract of calculation of disproportionate assets was as follows.

Total income of the A.O = Rs. 49,28,570/- + Rs. 8,37,000 /-
= Rs. 57,65,570/-
Total Expenditure of the A.O (-) = Rs. 30,83,426/-

Likely savings of the A.O = Rs. 26,82,144/-

Total Assets of the A.O = Rs. 33,77,246/-
Likely savings of A.O = Rs. 26,82,144/-

The disproportionate assets of the A.O = Rs. 6,95,102/-
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6. As per the above, the disproportionate assets of the AO were arrived at Rs. 6,95,102/- which is 12.056% of the AOs total income. Hence, it was concluded that the case does not fall under the purview of the acquisition of disproportionate assets by the A.O., which is below 20% of the income, as per circular memo No. 623/Spl 3/2008-2, Dt. 15.10.2008 and decided not to contemplate the criminal case and prosecute the A.O in a court of law. Further, it was felt enough to initiate departmental proceedings against the AO for violation of conduct rules i.e., for not intimating the authorities about cheques received from his in laws. Therefore, Government have dropped further action against the AO Dr. N. Koteswara Rao on the allegations of possession of disproportionate assets to his known sources of income and to initiate major penalty proceedings against the officer for violation of conduct rules, 1964 under the provision of Rule 20 of APCS(CC&A) Rules, 1991 vide reference 3rd read above.

7. Whereas in the reference 8th read above, the Director General, ACB., AP., Vijayawada while quoting instructions issued in Memo No. 2363500/SC.F/A1/2024, GA(SC.F)Dept., Dt. 28.03.2024 r/w interim orders passed in WA No. 934/2022 has stated that the orders issued vide reference 3rd read above, were passed without specific reasons/speaking orders and requested to accord sanction of prosecution in the above case, so as to initiate necessary action in accordance with law.

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8. As per the request of the Director General, ACB, this Department has re-examined the earlier final report of the Director General, ACB and the merits in the representation of the A.O, it is observed that the ACB authorities have not considered Rs.8,37,000/- (the amounts given to the A.O and his wife by the A.Os in laws and the same was not disputed by the Anti-corruption Bureau authorities) as the AOs income. The amount of Rs.8,37,000/- given to the A.O and his wife by the A.Os in laws is liable for initiation of departmental action against the A.O., for violation of Conduct Rules. Hence, Rs.8,37,000/- was added to the income of AO which was calculated as Rs. 49,28,570/-, thereby the income rose upto Rs. 57,65,570/- and consequently the D.A was reduced to Rs. 6,95,102/- (12.056%) from that of Rs. 15, 32,102/- (31.09%) and thereby the case does not fall under the purview of the acquisition of disproportionate assets by the AO which is below 20% of the income as per circular memo No. 623/Spl-3/2008-2, Dt. 15.10.2008. Government on having verified the calculations and considering the report of the ACB and the facts on record, is satisfied that the grounds are not made out to order for prosecution against the AO in Crime No. 05/RCA-ACB/VZM/2011. Accordingly, Government has decided that the case against the AO Dr. N. Koteswara Rao, former Deputy Director(AH), FAC Joint Director of Animal Husbandry, Vizianagaram and now retired, is not prosecutable and to reject the sanction of prosecution.

9. Accordingly, Government, hereby rejects the prosecution against the AO i.e., Dr. N. Koteswara Rao, former Deputy Director(AH), FAC Joint Director of Animal Husbandry, Vizianagaram, who is now retired.

10. The Director General, Anti-Corruption Bureau, AP., Vijayawada shall take necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M M NAYAK
SECRETARY TO GOVERNMENT

To
The Director General, Anti-Corruption Bureau, AP., Vijayawada.
Sf/Sc.

//FORWARDED:: BY ORDER//

SECTION OFFICER